

PART 7

ACQUISITION PLANNING

7.101 Definitions.

FAR as of FAC 90-25

FAR as revised

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—“Market survey” means attempts to ascertain whether other qualified sources capable of satisfying the Government’s requirements exist. This testing of the marketplace may range from written or telephone contacts with knowledgeable federal and non-federal experts regarding similar or duplicate requirements, and the results of any market test recently undertaken, to the more formal sources sought announcements in pertinent publications (e.g., technical/scientific journals, or the Commerce Business Daily), or solicitations for information or planning purposes. (See 15.405.)

[FAC 90-32]

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7.102 Policy.

FAR as of FAC 90-25

FAR as revised

Agencies shall perform acquisition planning and conduct market surveys for all acquisitions in order to promote and provide for full and open competition (see Part 6), or, when full and open competition is not required in accordance with Part 6, to obtain competition to the maximum extent practicable, with due regard to the nature of the supplies and services to be acquired (41 U.S.C. 253a(a)(1)). This planning shall integrate the efforts of all personnel responsible for significant aspects of the acquisition. The purpose of this planning is to ensure that the Government meets its needs in the most effective, economical, and timely manner. Agencies that have a detailed acquisition planning system in place that generally meets the requirements of 7.104 and 7.105 need not revise their system to specifically meet all of these requirements.

(a) Agencies shall perform acquisition planning and conduct market **research** (see **Part 10**) for all acquisitions in order to promote and provide for—

(1) Acquisition of commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items, to the maximum extent practicable (10 U.S.C. 2377 and 41 U.S.C. 251, et seq.); and

(2) Full and open competition (see Part 6) or, when full and open competition is not required in accordance with Part 6, to obtain competition to the maximum extent practicable, with due regard to the nature of the supplies or services to be acquired (10 U.S.C. 2301(a)(5) and 41 U.S.C. 253a(a)(1)).

(b) This planning shall integrate the efforts of all personnel responsible for significant aspects of the acquisition.

The purpose of this planning is to ensure that the Government meets its needs in the most effective, economical, and timely manner. Agencies that have a detailed acquisition planning system in place that generally meets the requirements of 7.104 and 7.105 need not revise their system to specifically meet all of these requirements. [FAC 90-32]

7.103 Agency-head responsibilities.

FAR as of FAC 90-25

The agency head or a designee shall prescribe procedures for—

[from 7.102]:

~~Agencies shall perform acquisition planning and conduct market surveys for all acquisitions in order to promote and provide for full and open competition (see Part 6), or, when full and open competition is not required in accordance with Part 6, to obtain competition to the maximum extent practicable, with due regard to the nature of the supplies and services to be acquired (41 U.S.C. 253a(a)(1)).~~ ~~*****~~]

~~(a) Ensuring that in no case is a contract entered into without full and open competition on the basis of a lack of acquisition planning or concerns related to the amount of funds available to the agency for acquisitions (10 U.S.C. 2304(f)(5) and 41 U.S.C. 253f(5)(A)).~~

- ~~(b) *****~~
- ~~(c) *****~~
- ~~(d) *****~~
- ~~(e) *****~~
- ~~(f) *****~~
- ~~(g) *****~~
- ~~(h) *****~~
- ~~(i) *****~~
- ~~(j) *****~~
- ~~(k) *****~~

~~(l) Ensuring that agency planners include use of the metric system of measurement in proposed acquisitions in accordance with 15 U.S.C. 205b (see 40.002(e)) and agency metric plans and guidelines.~~

FAR as revised

The agency head or a designee shall prescribe procedures for—

(a) Promoting and providing for full and open competition (see Part 6) or, when full and open competition is not required in accordance with Part 6, **for obtaining** competition to the maximum extent practicable, with due regard to the nature of the supplies and services to be acquired (41 U.S.C. 253a(a)(1)). [FAC 90-27]

(b) Encouraging offerors to supply commercial items, or to the extent that commercial items suitable to meet the agency needs are not available, nondevelopmental items in response to agency solicitations (10 U.S.C. 2377 and 41 U.S.C. 251, et seq.); and [FAC 90-32]

- (c) *******
- (d) *******
- (e) *******
- (f) *******
- (g) *******
- (h) *******
- (i) *******
- (j) *******
- (k) *******
- (l) *******

(m) Ensuring that agency planners include use of the metric system of measurement in proposed acquisitions in accordance with 15 U.S.C. 205b (see 11.001(b)) and agency metric plans and guidelines. [FAC 90-32]

(n) Ensuring that agency planners specify needs and develop plans, drawings, work statements, specifications, or other product descriptions promoting the use of environmentally preferable and energy-efficient products and services (e.g., promoting energy conservation and the use of recovered material content and the elimination or reduction of ozone-depleting substances usage), and that these are considered in the evaluation and award of contracts, as appropriate (see Part 23). [FAC 90-27]

(o) Making a determination, prior to issuance of a solicitation for advisory and assistance services involving the analysis and evaluation of proposals submitted in response to a solicitation, that a sufficient number of covered personnel with the training and capability to perform an evaluation and analysis of proposals submitted in response to a solicitation are not readily available within the agency or from another Federal agency in accordance with the guidelines at FAR 37.204. [FAC 90-33]

7.105 Contents of written acquisition plans.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
<p>*****</p> <p>(a) <i>Acquisition background and objectives.</i> ***</p> <p>**</p> <p>(5) <i>Delivery or performance-period requirements.</i> Describe the basis for establishing delivery or performance-period requirements (see Subpart 12.4). Explain and provide reasons for any urgency if it results in concurrency of development and production or constitutes justification for not providing for full and open competition.</p> <p>*****</p> <p>(8) <i>Acquisition streamlining.</i> If specifically designated by the requiring agency as a program subject to acquisition streamlining, discuss plans and proceduresto (i) *****; (ii) ***** (iii) state the timeframe for identifying which of those specifications and standards, originally provided for guidance only, shall become mandatory (see 10.002(e)).</p>	<p>*****</p> <p>(a) <i>Acquisition background and objectives.</i>***</p> <p>**</p> <p>(5) <i>Delivery or performance-period requirements.</i> Describe the basis for establishing delivery or performance-period requirements (see Subpart 11.4). Explain and provide reasons for any urgency if it results in concurrency of development and production or constitutes justification for not providing for full and open competition. [FAC 90-32]</p> <p>*****</p> <p>(8) <i>Acquisition streamlining.</i> If specifically designated by the requiring agency as a program subject to acquisition streamlining, discuss plans and proceduresto (i) *****; (ii) ***** (iii) state the timeframe for identifying which of those specifications and standards, originally provided for guidance only, shall become mandatory. [FAC 90-32]</p>

(b) *Plan of action.* (1) *Sources.* Indicate the prospective sources of supplies and/or services that can meet the need. Consider required sources of supplies and services (see Part 8). Include consideration of small business, small disadvantaged business, and labor surplus area concerns (see Parts 19 and 20). If the acquisition or a part of it is for commercial or commercial-type products (see Part 11), address the results of market research and analysis and indicate their impact on the various elements of the plan. If the acquisition or part of it is for other than commercial or commercial-type products, address the extent and results of the market survey conducted or the reasons one was not or will not be conducted.

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(6) *Product descriptions.* In accordance with Part 10, explain the choice of product description types to be used in the acquisition.

(7) *Priorities, allocations, and allotments.* When urgency of the requirement dictates a particularly short delivery or performance schedule, certain priorities may apply. If so, specify the method for obtaining and using priorities, allocations, and allotments, and the reasons for them (see Subpart 12.3).

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(12) *Logistics considerations.* Describe—

(i) The assumptions determining contractor or agency support, both initially and over the life of the acquisition, including consideration of contractor or agency maintenance and servicing (see Subpart 7.3) and distribution of commercial products (see Part 11);

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(15) *Environmental considerations.* Discuss environmental issues associated with the acquisition, the applicability of an environmental assessment or environmental impact statement (see 40 CFR 1502), the proposed resolution of environmental issues, and any environment-related requirements to be included in solicitations and contracts.

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(b) *Plan of action—*(1) *Sources.* Indicate the prospective sources of supplies and/or services that can meet the need. Consider required sources of supplies or services (see Part 8). Include consideration of small business, small disadvantaged business, **and women-owned small business concerns (see Part 19).** Address the extent and results of the market **research and indicate their impact on the various elements of the plan (see Part 10).** [FAC 90-32]

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(6) *Product descriptions.* In accordance with Part 11, explain the choice of product description types to be used in the acquisition. [FAC 90-32]

(7) *Priorities, allocations, and allotments.* When urgency of the requirement dictates a particularly short delivery or performance schedule, certain priorities may apply. If so, specify the method for obtaining and using priorities, allocations, and allotments, and the reasons for them (see **Subpart 11.6**). [FAC 90-32]

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(12) *Logistics considerations.* Describe—

(i) The assumptions determining contractor or agency support, both initially and over the life of the acquisition, including consideration of contractor or agency maintenance and servicing (see Subpart 7.3) and distribution of commercial **items**; [FAC 90-32]

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(15) *Environmental and energy conservation objectives.* Discuss **all applicable environmental and energy conservation objectives** associated with the acquisition (see **Part 23**), the applicability of an **environmental assessment or** environmental impact statement (see 40 CFR 1502), the proposed resolution of environmental issues, and any environmentally-related requirements to be included in solicitations and contracts. [FAC 90-27]

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(17) *Other considerations.* Discuss, as applicable, ~~energy conservation measures~~, standardization concepts, the industrial readiness program, the Defense Production Act, the Occupational Safety and Health Act, foreign sales implications, and any other matters germane to the plan not covered elsewhere.

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(17) *Other considerations.* Discuss, as applicable, standardization concepts, the industrial readiness program, the Defense Production Act, the Occupational Safety and Health Act, foreign sales implications, and any other matters germane to the plan not covered elsewhere. [FAC 90-27]

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7.304 Procedures.

FAR as of FAC 90-25

(b) *Cost estimate*

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(3) Submit to the contracting officer the completed form and all necessary detailed supporting data in a sealed, dated envelope not later than the time established for receipt of initial proposals or bid opening. If more time is needed to develop the Government's cost estimate, the contracting officer shall amend the opening date of the solicitation.

FAR as revised

(b) *Cost estimate*

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(3) Submit to the contracting officer the completed form and all necessary detailed supporting data in a sealed, dated envelope, **or electronic equivalent**, not later than the time established for receipt of initial proposals or bid opening. If more time is needed to develop the Government's cost estimate, the contracting officer shall amend the opening date of the solicitation. [FAC 90-29]

7.306 Evaluation.

FAR as of FAC 90-25

(a) *Sealed bidding.* (1) At the public bid opening, after recording of bids, the contracting officer shall—

(i) Open the sealed ~~envelope containing the cost comparison form on~~ which the cost estimate for Government performance has been entered;

FAR as revised

(a) *Sealed bidding.* (1) At the public bid opening, after recording of bids, the contracting officer shall—

(i) Open the sealed cost comparison on which the cost estimate for Government performance has been entered; [FAC 90-29]

7.307 Appeals.

FAR as of FAC 90-25

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(b) The Circular provides that the appeals procedure shall be used only to resolve questions concerning the calculation of the cost comparison and shall not apply to questions concerning selection of one contractor in preference to another, which shall be treated as prescribed in 14.407-8, Protests against award. * * * * *

FAR as revised

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(b) The Circular provides that the appeals procedure shall be used only to resolve questions concerning the calculation of the cost comparison and shall not apply to questions concerning selection of one contractor in preference to another, which shall be treated as prescribed in 14.408-8, Protests against award. * * * * *
[FAC 90-29]